ACSC Quick-Look

Catalyst for Air & Space Power Research Dialogue

Assessing Free and Fair Elections in Countries of Conflict

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Background. Establishing criteria for free and fair elections that grant political legitimacy to a winner in a country experiencing widespread and intense violence has always been controversial. It should be noted that scholars disagree on what constitutes "free and fair" as well as what defines "legitimacy." Where scholars do agree is over the belief that the freeness and fairness of elections contribute directly to legitimacy. They also agree that first election in countries of conflict is rarely perceived to be free and fair and the winner legitimate in the immediate aftermath. Time is required for confidence in democratic processes to take hold where none previously existed.

Conditions for Free and Fair Elections. The crux of this definition is perceptual—did the citizenry find the manner in which the election was held acceptable, did the election provide the opportunity for the result to affect their daily lives in a positive or negative way? This is especially difficult in a country of conflict where people may not vote for a person, *per se*. For example, the elections in Liberia and Angola were seen by citizens as a *referendum on the ongoing violence*. Citizens went to the ballot box to vote for a person who they saw would either end or continue the violence. The same may be true in Iraq.

- *Outside Observers*: Freeness and fairness of elections can be best accounted for by groups who have no vested interest in who or what party wins an election. The UN has been successful at impartiality in cases ranging from Cambodia to southern Africa.
- *Outside Guarantors*: Major powers who do have a vested interest in the election need to agree to abide by the results of the election and to not interfere in the electoral process. This was done by Ireland and the United Kingdom prior to the elections in Northern Ireland. However, this is not likely to happen with Iran, Syria, Saudi Arabia, Turkey.
- *Controlling Corruption*: Kickbacks, payoffs, audits, and violence are coercive tools. Criminal groups and even police forces have engaged in these practices to influence election outcomes. Task forces established by outside groups such as the UN and Interpol can lend much needed expertise on countering such activities.
- *Security at the Polls*: Ensuring access to polling stations is essential but can be difficult to establish in countries of conflict. Although military and police forces may be present at the polls, they can be often seen as part of a voter intimidation program. Joint monitors from the election parties can mitigate this perception.

Criteria for Assessment:

- *Transparency*: A distilled measure of "free and fair" involves providing access to voting information, laws, regulations *PRIOR* to the elections. Transparency of election laws and procedures—who qualifies to hold office, for how long, who may vote, how they vote—is vital. The government cannot establish secret laws that disqualify either candidates or voters. The UN has been adept at assisting governments create transparency in post-conflict situations in Angola and Mozambique.
- *Freedom of Choice*: Coercion and violence intended to dissuade large segments of a population from participating diminishes the perception of citizens that the election is meaningful. Their opportunity to have their voices heard seems to be stolen from them and the electoral winner is not viewed as legitimate. Colombia has made great strides in this area through voter education and security at the polls—even after forty years of violence, elections have been held on schedule and there has not been a military coup.
- *Impartiality*: The ruling authority must appear to be using the apparatus of the government for governance and *not* solely for electoral purposes. Using the police and the military to quash opposition meetings or critical media tarnishes transparency and freedom of choice. The Colombian government in the 1980s was notorious for such practices, leading to widespread voter dissatisfaction.

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1. REPORT DATE **2005**	2. REPORT TYPE **N/A**	3. DATES COVERED **-**

4. TITLE AND SUBTITLE **ACSC Quick-Look: Assessing Free and Fair Elections in Countries of Conflict**	5a. CONTRACT NUMBER
	5b. GRANT NUMBER
	5c. PROGRAM ELEMENT NUMBER
6. AUTHOR(S)	5d. PROJECT NUMBER
	5e. TASK NUMBER
	5f. WORK UNIT NUMBER
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) **Air University Maxwell AFB, AL**	8. PERFORMING ORGANIZATION REPORT NUMBER
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)	10. SPONSOR/MONITOR'S ACRONYM(S)
	11. SPONSOR/MONITOR'S REPORT NUMBER(S)

12. DISTRIBUTION/AVAILABILITY STATEMENT
Approved for public release, distribution unlimited

13. SUPPLEMENTARY NOTES

14. ABSTRACT

15. SUBJECT TERMS

16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT **UU**	18. NUMBER OF PAGES **2**	19a. NAME OF RESPONSIBLE PERSON
a. REPORT **unclassified**	b. ABSTRACT **unclassified**	c. THIS PAGE **unclassified**			

- *Equality*: An essential measure of free and fair is whether voters and candidates had the laws applied to them in an equal fashion—treating like cases in similar ways. Governing authorities cannot show favoritism and there cannot be a real or perceived institutionalized inequality in public campaign financing. This was particularly tricky in Nicaragua where a large segment of the population believed that the CIA was bankrolling the opposition party to the Sandinistas.

Implications for Current Operations. Iraq is a unique case—the US intervened directly in the domestic politics of the country and now seeks to hold elections that will produce a government that the US can accept and that Iraqis will see as legitimate. Liberia, Colombia, Angola, Nicaragua, Mozambique, Cambodia offer a few similarities to the prevailing circumstances in Iraq. Yet, Iraq's uniqueness does make it poised for some electoral success in the first round and in subsequent elections. The following insights provide insight into measures that may lay a solid foundation for free and fair elections in Iraq.

- *Ending American Involvement*: Since by most formal measures, many Iraqis seek an end to the American troop presence in the country, any legitimate government in the eyes of the Iraqis will have to call for an end to the "occupation".
- *Plan for Ending the Violence*: In countries of conflict, legitimacy is earned if the winner is seen to have a plan to end the violence—either through taking a harder line or through negotiations. The recent election of President Uribe in Colombia was largely about increasing military operations against the FARC. The US must be willing to stand by the decisions of the new government in their attempts to implement a plan to end the insurgency.
- *Willingness to Risk Lives*: Studies of elections in countries of conflict have shown that successful elections must be guaranteed by local powers who are willing to risk their lives to secure the voting process. The investment of political (and often personal) capital to prevent large scale violence from disrupting the vote has proven to be a critical factor. As the saying goes, "no one in the history of the world has washed a rental car", meaning without a personal investment in something, maintaining it will be left to others in the future. How Iraqi police and military forces perform in securing the vote will be vital to perceptions of legitimacy.
- *Preparing for the Next Round*: Perceptions of free and fair and legitimacy usually increase with the following election. It is critical to avoid a perception among citizens that democracy is "one person, one vote, one time". It will be important for the US and the winner of the Iraqi elections to establish how the next round of elections in Iraq can occur *without* US troop presence.

Potential Pitfalls. In an insecure environment, citizens will turn to "political entrepreneurs" who engage in protection racketeering that will undermine the legitimacy of the new government. Without a large sense that the Iraqi government is operating in the public interest, the government will have a very difficult time using force against the insurgency. The government will merely be seen as another player in the violence and citizens may exercise their next "vote" by deciding which violent group they will aid and abet.

For more Information. Recknagel, Charles. "Iraq: US Asks Pan-European OSCE To Monitor Iraqi Elections," Radio Free Europe, 9 Dec 2004. http://www.rferl.org/featuresarticle/2004/12/687886E5-F584-4750-B785-199FD3645E9B.html
OSCE International Elections Standards. http://www.osce.org/odihr/?page=elections&div=standards
The Carter Center Democracy Program. http://www.cartercenter.org/peaceprograms/program10.htm